

APPEAL NO. 032827
FILED DECEMBER 8, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 1, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that the claimant has disability from February 21 to March 5, 2003. The appellant (carrier) appealed the hearing officer's determinations based on sufficiency of the evidence grounds. The claimant responded, urging affirmance and requesting a correction to a clerical error regarding the date of disability.

DECISION

Affirmed, as reformed.

Both the decision and Conclusion of Law No. 4 determined that the claimant had disability from February 21 to March 5, 2003. The hearing officer's Statement of the Evidence and Discussion paragraph and Finding of Fact No. 3 find that the claimant had disability from February 21 to May 5, 2003. We reform Conclusion of Law No. 4 and the decision to correct the typographical error and conform to the hearing officer's Finding of Fact No. 3 and the evidence presented at the CCH. Conclusion of Law No. 4 and the decision are reformed to read that the claimant had disability from February 21 to May 5, 2003.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer noted that the claimant's testimony was credible and persuasive. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues of compensable injury and disability are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W. 2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer, as reformed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge